

REMARKS/ARGUMENTS

This is intended as a full and complete response to the Office Action dated July 18, 2007. Please reconsider the claims pending in the application for reasons discussed below.

DISPOSITION OF CLAIMS

Claims 1, 4-13, and 17-23 are pending in this application. Claims 2-3, 14-16, and 25-36, which are withdrawn from consideration as being directed to a non-elected invention and species, have been cancelled. Claims 11-12 were canceled in a previous response. Claims 1 and 13 have been amended to clarify the relationship between the expandable osmotic composition and the reservoir. Please see FIG. 2 of the drawings for clear support for the amendments to claims 1 and 13. Applicants believe that no new matter has been introduced by the amendments presented herein. The amendments have been made in a good faith effort to advance prosecution on the merits.

REJECTIONS UNDER 35 U.S.C. §102

Claims 1, 4, 10, 13, 17, and 23-24 stand rejected under 35 U.S.C. § 102 as being anticipated by Wong (U.S. Patent No. 5312390). Reconsideration of this rejection is respectfully requested.

Wong does not disclose or teach “an expandable osmotic composition having a first portion positioned within an opening at a distal end of the reservoir and a second portion projecting outwardly from the distal end of the reservoir, the first portion and the second portion being continuous,” as recited in amended claims 1 and 13. In Wong, no portion of the first expansion means 20 positioned within the housing 12 projects outwardly from the distal end of the housing 12. Further the second expansion means 30, which is external to the housing 12, is not continuous with the first expansion means 20. An impermeable barrier layer 32, which is not an expansion means, separates the second expansion means 30 from the first expansion means 20. The aforementioned limitation of claims 1 and 13 is also not found inherently in Wong. Therefore, claims 1

and 13 are not anticipated by Wong. Claims 10, 13, 17, and 23-24 are also not anticipated by Wong because they contain the aforementioned limitation of claims 1 and 13. Withdrawal of the anticipation rejection of claims 1, 4, 10, 13, 17, and 23-24 in view of Wong is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §103

Claims 8-9 and 21-22 stand rejected under 35 U.S.C. § 103 as being unpatentable over Wong (U.S. Patent No. 5312390) in view of Dong (WO 00/35419). Reconsideration of this rejection is respectfully requested.

Wong does not disclose or teach “an expandable osmotic composition having a first portion positioned within an opening at a distal end of the reservoir and a second portion projecting outwardly from the distal end of the reservoir, the first portion and the second portion being continuous,” as recited in amended claims 1 and 13, from which claims 8-9 and 21-22 depend, respectively. Dong also fails to overcome the deficiency in Wong. Accordingly, claims 8-9 and 21-22 are patentable over Wong in view of Dong.

Claims 5-7 and 18-20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Wong (U.S. Patent No. 5312390) in view of Digenis (U.S. Patent No. 5672359). Reconsideration of this rejection is respectfully requested.

Wong does not disclose or teach “an expandable osmotic composition having a first portion positioned within an opening at a distal end of the reservoir and a second portion projecting outwardly from the distal end of the reservoir, the first portion and the second portion being continuous,” as recited in amended claims 1 and 13, from which claims 8-9 and 21-22 depend, respectively. Digenis also fails to overcome the deficiency in Wong. Accordingly, claims 8-9 and 21-22 are patentable over Wong in view of Digenis.

CONCLUSION

Applicant believes that this paper is fully responsive to the Office Action dated July 18, 2007, and respectfully requests that a timely Notice of Allowance be issued in this case. A call to the undersigned is encouraged if the Examiner believes that a telephone conference would advance prosecution of this application.

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Respectfully submitted,
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